



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**MONDAY
June 6, 2005**

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At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Monday, June 6, 2005, at 8:41 a.m., there were present:

- Chairman Gerald E. Connolly, presiding
- Supervisor Sharon Bulova, Braddock District
- Supervisor Joan M. DuBois, Dranesville District
- Supervisor Michael Frey, Sully District
- Supervisor Penelope A. Gross, Mason District
- Supervisor Gerald W. Hyland, Mount Vernon District
- Supervisor Dana Kauffman, Lee District
- Supervisor Linda Q. Smyth, Providence District

Supervisor Elaine McConnell, Springfield District, arrived at 10:40 a.m.

Supervisor Catherine M. Hudgins, Hunter Mill District, was absent from the entire meeting.

Others present during the meeting were Anthony H. Griffin, County Executive; David P. Bobzien, County Attorney; Karen J. Harwood, Deputy County Attorney; Catherine A. Chianese, Assistant to the County Executive; Regina Thorn Corbett, Assistant to the County Executive; Nancy Vehrs, Clerk to the Board of Supervisors; and Patti M. Hicks, Deputy Clerk to the Board of Supervisors.

1. **PRESENTATION OF COLORS** (8:42 a.m.)

In conjunction with “*US Army Week*” activities, the Colors were presented by the Army Continental Color Guard, and an element of the Old Guard Fife and Drum Corps performed.

2. **PROCLAMATION DESIGNATING JUNE 6–13, 2005, AS “US ARMY WEEK” IN FAIRFAX COUNTY** (8:47 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Proclamation to designate June 6–13, 2005, as “*US Army Week*” in Fairfax County. Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor McConnell not yet having arrived, Supervisor Hudgins being absent.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

3. **PROCLAMATION DESIGNATING JUNE 14, 2005, AS “COLONEL T.W. WILLIAMS DAY” IN FAIRFAX COUNTY** (8:53 a.m.)

Supervisor Hyland moved approval of the Proclamation to designate June 14, 2005, as “*Colonel T.W. Williams Day*” in Fairfax County. Supervisor Kauffman seconded the motion and it carried by a vote of eight, Supervisor McConnell not yet having arrived, Supervisor Hudgins being absent.

4. **CERTIFICATES OF RECOGNITION PRESENTED TO THE 2005 LORD AND LADY FAIRFAX HONOREES** (9:08 a.m.)

Supervisor Bulova moved approval of the Certificates of Recognition presented to the 2005 Lord and Lady Fairfax honorees as follows:

Chairman At-Large

- Ms. Maria Demarest
- Reverend Ronald Winters

Braddock District

- Ms. Kathy Ichter
- Mr. Larry Ichter

Dranesville District

- Ms. Robin Rentsch
- Mr. Michael Kearney

Hunter Mill District

- Ms. Ann Rodriguez
- Mr. Ed Tennyson

Lee District

- Ms. Liz Murphy
- Mr. Edward Batten

Mason District

- Ms. Alice Snitzer
- Mr. John King

Mount Vernon District

- Ms. Louise Cleveland
- Mr. Tim Sargeant

Providence District

- Ms. Renata Wade
- Mr. Herb Taylor

Springfield District

- Ms. Charlene Murphy
- Mr. Philip Rosenthal

Sully District

- Ms. Paula Elsey
- Mr. Gary Flather

Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor McConnell not yet having arrived, Supervisor Hudgins being absent.

Paul Weinschenk, Chairman, Celebrate Fairfax Board of Directors, introduced several members of the Board of Directors, and announced that Exxon/Mobil was the recipient of the James Scott Community Spirit Award this year and Hope and Dan Danielson were the recipients of the Volunteer of the Year Award. He presented an overview of the upcoming festivities. Mr. Weinschenk stated that Celebrate Fairfax is this Friday, Saturday, and Sunday, June 10, 11, and 12 at the Government Center.

5. **CERTIFICATE OF RECOGNITION PRESENTED TO CAPITAL ONE**
(9:43 a.m.)

Supervisor DuBois moved approval of the Certificate of Recognition presented to Capital One for its gift of playing fields to the County. Supervisor Smyth seconded the motion and it carried by a vote of eight, Supervisor McConnell not yet having arrived, Supervisor Hudgins being absent.

6. **PROCLAMATION DESIGNATING JUNE 9–16, 2005, AS “DIRECT CARE WORKERS WEEK” IN FAIRFAX COUNTY** (9:48 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Proclamation to designate June 9–16, 2005, as “*Direct Care Workers Week*” in Fairfax County. Supervisor Gross seconded the motion and it carried by a vote of seven, Supervisor Hyland being out of the room, Supervisor McConnell not yet having arrived, Supervisor Hudgins being absent.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

7. **CERTIFICATE OF RECOGNITION PRESENTED TO THE BULL RUN ELEMENTARY SCHOOL CHESS TEAM (SULLY DISTRICT)** (9:58 a.m.)

Supervisor Frey moved approval of the Certificate of Recognition presented to the Bull Run Elementary School Chess Team for its accomplishment. Chairman Connolly and Supervisor Hyland jointly seconded the motion and it carried by a vote of eight, Supervisor McConnell not yet having arrived, Supervisor Hudgins being absent.

8. **CERTIFICATE OF RECOGNITION PRESENTED TO THE MCLEAN LITTLE LEAGUE BOARD OF DIRECTORS (DRANESVILLE DISTRICT)** (10:06 a.m.)

Supervisor DuBois moved approval of the Certificate of Recognition presented to the board of directors of the McLean Little League on the occasion of the fiftieth anniversary of the organization. Chairman Connolly seconded the motion and it carried by a vote of eight, Supervisor McConnell not yet having arrived, Supervisor Hudgins being absent.

9. **CERTIFICATE OF RECOGNITION PRESENTED TO MR. GEORGE SMITH** (10:14 a.m.)

Supervisor DuBois moved approval of the Certificate of Recognition presented to Mr. George Smith for his years of service to the County. Chairman Connolly seconded the motion and it carried by a vote of eight, Supervisor McConnell not yet having arrived, Supervisor Hudgins being absent.

10. **CERTIFICATE OF RECOGNITION PRESENTED TO THE SPRINGFIELD SWIMMING AND RACQUET CLUB** (10:19 a.m.)

Supervisor Kauffman moved approval of the Certificate of Recognition presented to the Springfield Swimming and Racquet Club on the occasion of its fiftieth anniversary. Chairman Connolly seconded the motion and it carried by a vote of seven, Supervisor DuBois being out of the room, Supervisor McConnell not yet having arrived, Supervisor Hudgins being absent.

11. **CERTIFICATE OF RECOGNITION PRESENTED TO MR. ALBERT G. VAN METRE, SR. AND FAMILY** (10:24 a.m.)

Supervisor Bulova moved approval of the Certificate of Recognition presented to Mr. Albert G. Van Metre, Sr. and family for their contributions to the County and on occasion of the company's fiftieth anniversary. Supervisor Hyland seconded the motion and it carried by a vote of seven, Supervisor DuBois being out of the room, Supervisor McConnell not yet having arrived, Supervisor Hudgins being absent.

12. **PROCLAMATION DESIGNATING JUNE 18, 2005, AS "HEPATITIS AWARENESS DAY" IN FAIRFAX COUNTY** (10:30 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Proclamation to designate June 18, 2005, as "*Hepatitis Awareness Day*" in Fairfax County. Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor McConnell not yet having arrived, Supervisor Hudgins being absent.

Chairman Connolly asked unanimous consent that the Board direct staff to publicize the upcoming Tim Harmon 5K race. Tim Harmon was a County employee who developed Hepatitis C and died. In his honor there is an annual 5K race which will take place this year on June 18, 2005, at 8:30 a.m. at the Government Center. Without objection it was so ordered.

13. **PROCLAMATION DESIGNATING JUNE 27–JULY 1, 2005, AS “GIRLS FINANCIAL LITERACY WEEK” IN FAIRFAX COUNTY** (10:39 a.m.)

Chairman Connolly, on behalf of Supervisor Hudgins, moved approval of the Proclamation to designate June 27–July 1, 2005, as “*Girls Financial Literacy Week*” in Fairfax County. Supervisor Smyth seconded the motion and it carried by a vote of eight, Supervisor Frey being out of the room, Supervisor Hudgins being absent.

Dollar Divas of the Girls Advisory Board, Girls’ Financial Literacy Program, will hold the *Dolla’ Divas* Guide to Money, Money and More Money, “The Reality Store” on June 29, 2005, beginning at 11 a.m. at the South County Government Center.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

14. **10 A.M. – APPOINTMENTS TO THE FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD AND TYSONS CORNER TRANSPORTATION AND URBAN DESIGN STUDY COORDINATING COMMITTEE** (10:49 a.m.)

(APPTS)
(BACs)

FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD

Chairman Connolly moved the appointment of Ms. Renee Alberts as the At-Large #3 Representative to the Fairfax-Falls Church Community Services Board. Supervisor Hyland seconded the motion, which carried by a vote of eight, Supervisor Frey being out of the room, Supervisor Hudgins being absent.

Supervisor DuBois moved the appointment of Ms. Rosann Ridley as the Dranesville District Representative to the Fairfax-Falls Church Community Services Board. Supervisor Gross seconded the motion, which carried by a vote of eight, Supervisor Frey being out of the room, Supervisor Hudgins being absent.

Supervisor Smyth moved the appointment of Ms. Mary Ann Beall as the Providence District Representative the Fairfax-Falls Church Community Services Board. Supervisor Hyland seconded the motion, which carried by a vote of eight, Supervisor Frey being out of the room, Supervisor Hudgins being absent.

The Board deferred the appointments of the At-Large #4 and Springfield District Representatives to the Fairfax-Falls Church Community Services Board.

**TYSONS CORNER TRANSPORTATION AND URBAN DESIGN STUDY
COORDINATING COMMITTEE**

Chairman Connolly moved the appointment of Ms. Katherine K. Hanley as the Chairman of the Tysons Corner Transportation and Urban Design Study Coordinating Committee. Supervisor Bulova seconded the motion, which carried by a vote of eight, Supervisor Frey being out of the room, Supervisor Hudgins being absent.

Supervisor Bulova moved the appointment of Ms. Janyce Hedetniemi as the Braddock District Representative to the Tysons Corner Transportation and Urban Design Study Coordinating Committee. Supervisor Hyland seconded the motion, which carried by a vote of eight, Supervisor Frey being out of the room, Supervisor Hudgins being absent.

CONFIRMATIONS:

Supervisor Bulova moved the confirmation of the following appointments to the Tysons Corner Transportation and Urban Design Study Coordinating Committee:

- Mr. Michael J. Lewis as the Fairfax County Chamber of Commerce #1 Representative
- Ms. Brenda Krieger as the Fairfax County Chamber of Commerce #2 Representative
- Ms. Kohann Whitney as the Fairfax County Chamber of Commerce #3 Representative

Supervisor Hyland seconded the motion, which carried by a vote of eight, Supervisor Frey being out of the room, Supervisor Hudgins being absent.

Supervisor DuBois moved the appointment of Mr. Stuart Mendelsohn as the Dranesville District Representative to the Tysons Corner Transportation and Urban Design Study Coordinating Committee. Supervisor Bulova seconded the motion, which carried by a vote of nine, Supervisor Hudgins being absent.

Supervisor Kauffman moved the appointment of Mr. J. Douglas Koelemay as the Lee District Representative to the Tysons Corner Transportation and Urban Design Study Coordinating Committee. Supervisor Bulova seconded the motion, which carried by a vote of nine, Supervisor Hudgins being absent.

Supervisor Gross moved the appointment of Mr. William Lecos as the Mason District Representative to the Tysons Corner Transportation and Urban Design Study Coordinating Committee. Supervisor Bulova seconded the motion, which carried by a vote of nine, Supervisor Hudgins being absent.

The Board deferred the appointments of the Hunter Mill District #4; Mount Vernon, Springfield, and Sully Districts; Tysons Neighborhood north of Route 123, Tysons Neighborhood south of Route 123, and Tysons Neighborhood Westwood at Ashgrove; and the TYTRAN #1, TYTRAN #2, and TYTRAN #3 Representatives until later in the day.

Chairman Connolly noted that the Tysons Neighborhood north of Route 123 and south of Route 123 were Providence District appointments and the Tysons Neighborhood Westwood at Ashgrove was a Hunter Mill District appointment.

(NOTE: Later in the meeting, the Board took additional action regarding this committee. See Clerk's Summary CL#47.)

DS:ds

15. **ADMINISTRATIVE ITEMS** (10:53 a.m.)

Supervisor Gross moved approval of the Administrative Items. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Hudgins being absent.

ADMIN 1 – EXTENSION OF REVIEW PERIODS FOR 2232 PUBLIC FACILITY REVIEW APPLICATIONS (LEE AND SPRINGFIELD DISTRICTS)

Approved an extension of review period for the following Public Facility (2322) Review Applications:

- FSA-L98-9-1 to August 6, 2005
- FS-S05-14 to September 26, 2005

ADMIN 2 – CONFIRMATION OF COMMUNITY REPRESENTATIVE TO THE FAIRFAX-FALLS CHURCH COMMUNITY POLICY AND MANAGEMENT TEAM (CPMT)

(APPT) Confirmed the appointment of Dr. Regina Milteer as a Community Representative to the Fairfax-Falls Church CPMT.

ADMIN 3 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 2002-DR-012, BETTY M. MEADOWS (MEADOWS NURSERY) (DRANESVILLE DISTRICT)

- (AT) Approved four months of additional time to commence construction for Special Exception Application SE 2002-DR-012 to July 24, 2005, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSAL TO ABANDON RICHARDS LANE (ROUTE T-2005) IN THE TOWN OF CLIFTON (SPRINGFIELD DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **July 11, 2005, at 4 p.m.** to consider the abandonment of Richards Lane (Route T-2005) located in the Town of Clifton.

ADMIN 5 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 05106 FOR THE FIRE AND RESCUE DEPARTMENT (FRD) TO ACCEPT AN AWARD FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FOR GRANT FUNDS TO CONTINUE PARTICIPATION IN THE NATIONAL URBAN SEARCH AND RESCUE RESPONSE SYSTEM

- (SAR) Approved SAR AS 05106 in the amount of \$900,000 for the FRD to accept an assistance agreement and grant funds from FEMA for the development, administration, and maintenance of an approved National Urban Search and Rescue Response System. No local cash match is required.

ADMIN 6 – AUTHORIZATION FOR THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD) AND THE FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB) TO APPLY FOR AND ACCEPT FUNDING FROM THE US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) THROUGH THE CONTINUUM OF CARE HOMELESS ASSISTANCE PROGRAM, AND AUTHORIZATION FOR MULTIPLE CONSOLIDATED PLAN CERTIFICATIONS

- Authorized HCD, in partnership with Pathway Homes, to apply and accept funding, if awarded, for one new Shelter Plus Care grant for \$250,800. No local cash match is required.
- Authorized HCD, in partnership with Pathway Homes, to apply and accept funding, if awarded, for six renewal Shelter Plus Care grants totaling \$701,628. No local cash match is required.

- Authorized CSB to apply and accept renewal funding, if awarded, for \$305,670, including match, for an existing transitional housing and treatment program for homeless single individuals. Of this total, \$253,332 is HUD funding and the remaining \$52,338 is the required local cash match.
- Endorsed 21 renewal grant applications totaling \$3,312,875 including all matching funds, by nonprofit organizations through the Continuum of Care Homeless Assistance Program, and authorized by the McKinney-Vento Act. Of this total, \$2,345,268 is HUD funding, \$445,136 is State pass-through funds, and \$676,056 is private match. No local cash match is required for these applications; however, five applications by Christian Relief Services for a total of \$644,245 in HUD funds, four applications by Pathway Homes, Incorporated, for a total of \$157,788 in HUD funds, and one application by PRS, Incorporated for a total of \$168,450 in HUD funds, required a combined cash match of \$445,136 for a one-year period. This match will be supported with State pass-through funds to the CSB. The remaining 11 nonprofit applications totaling \$1,374,785 in HUD funds require no local cash match; however, a private match of \$622,471 is included and committed by the applicants to support these applications.
- Authorized DFS to apply and accept funding, if awarded, for three renewal grants. These grants and their required local cash match were anticipated as part of the Fiscal Year 2006 budget in Fund 102, Federal/State Grant Fund. This funding includes the following:
 - \$560,856, including \$67,000 in local cash match and \$53,585 in private funds, for the RISE Supportive Housing Grant.
 - \$464,638, including \$220,936 in local cash match for the Community Housing and Resource Program – Award One.
 - \$858,552, including \$433,837 in local cash match, for the Community Housing Resource Program – Award Three.
- Authorized the County Executive to sign the certification to be included in each application.

ADMIN 7 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 84 (PUBLIC TRANSPORTATION), SECTION 84.1-6-3, RATES, FARES, AND CHARGES

- (A) Authorized the advertisement of a public hearing to be held before the Board on **June 20, 2005, at 4:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 84 (Public Transportation), Section 84.1-6-3, Rates, Fares, and Charges to provide for a rate increase in metered taxicab fares, and waiting time charges.

ADMIN 8 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3, (COUNTY EMPLOYEES), ARTICLES 2 AND 3, REGARDING INCLUSION OF PUBLIC SAFETY COMMUNICATIONS CENTER POSITIONS IN THE UNIFORMED RETIREMENT SYSTEM

- (A) Authorized the advertisement of a public hearing to be held before the Board on **June 20, 2005, at 4:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 3 (County Employees), Articles 2 and 3, for the purpose of including specified Public Safety Communications positions in the Uniformed Retirement System.

16. **A-1 – AUTHORIZATION TO REALLOCATE HOME INVESTMENT PARTNERSHIPS PROGRAM FUNDS TO THE GLENWOOD MEWS MAGNET HOUSING PROJECT (LEE DISTRICT)** (10:53 a.m.)

On motion of Supervisor Kauffman, seconded by Supervisor McConnell, and carried by a vote of nine, Supervisor Hudgins being absent, the Board concurred in the recommendation of staff and authorized the reallocation of \$1 million from Fund 145, HOME Investment Partnership Grant, Project 013974, Home Development Cost to Project 013966, Telegraph Road Project (Glenwood Mews) to be used for predevelopment and construction costs.

17. **A-2 – AUTHORIZATION TO REALLOCATE AND AUTHORIZE DISBURSEMENT OF TIER ONE PREDEVELOPMENT FUNDS AND TIER TWO PREDEVELOPMENT FUNDS FROM THE AFFORDABLE HOUSING PARTNERSHIP PROGRAM FUND OF THE HOUSING TRUST FUND AS A LOAN TO AHC, INCORPORATED FOR THE PROPOSED ACQUISITION OF 98 UNITS AT THE HOLLYBROOKE II APARTMENTS (MASON DISTRICT)** (10:54 a.m.)

On motion of Supervisor Gross, seconded by Chairman Connolly, and carried by a vote of nine, Supervisor Hudgins being absent, the Board concurred in the

recommendation of staff and authorized reallocation of funds in the amount of up to:

- \$40,000 from the Affordable Housing Partnership Program within Fund 144, Housing Trust Fund, from Project 014013, Tier One Predevelopment Project to Project 014232, Hollybrooke II Apartments.
- \$35,000 from the Affordable Housing Partnership Program within Fund 144, Housing Trust Fund, from Project 014042, Tier Two Predevelopment Project to Project 014232, Hollybrooke II Apartments.

18. **A-3 – FAIRFAX COUNTY’S COMMENTS REGARDING THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY’S (WMATA) PROPOSED FISCAL YEAR (FY) 2006 OPERATING BUDGET AND CAPITAL IMPROVEMENT PROGRAM (CIP) (10:54 a.m.)**

Supervisor Kauffman moved that the Board concur in the recommendation of staff and:

- Endorse the comments outlined in the Board Agenda Item dated June 6, 2005, regarding the WMATA Proposed FY 2006 Operating Budget and CIP.
- Direct staff to transmit the comments to WMATA.

Supervisor Hyland seconded the motion.

Supervisor Kauffman distributed to Board Members a draft “Dear Fellow Rider” letter, which he, as Chairman of the WMATA Board of Directors, and Richard A. White, Metro General Manager and Chief Executive Officer, will be signing and sending to customers Tuesday evening, inviting them to dial in to an online chat with him and Mr. White to voice any questions and concerns.

Discussion ensued regarding the draft letter and the formation of a Rider’s Advisory Council.

Supervisor Smyth announced that the Providence District will be having its third annual Land Use Seminar, the topic of which is Transportation Planning, on Tuesday, June 7. Therefore, Supervisor Smyth asked Supervisor Kauffman to provide her with copies of the letter to distribute to seminar participants.

Following additional discussion, regarding Metro, the question was called on the motion and it carried by a vote of nine, Supervisor Hudgins being absent.

(NOTE: Later in the meeting Supervisor Smyth announced the Providence District Land Use Seminar. See Clerk's Summary Item CL#45.)

19. **A-4 – APPROVAL OF THE ALLOCATION OF TAXICAB CERTIFICATES TO BE AUTHORIZED IN 2005** (11:06 a.m.)

Supervisor Bulova moved that the Board concur in the recommendation of staff and approve the awarding of 51 additional taxicab certificates, distributed as follows:

- Murphy Brothers, Incorporated – 12 certificates
- Fairfax Taxi, Incorporated – 11 certificates
- Paul Wallace Management, Incorporated – 14 certificates
- L&Z Transportation, Incorporated – 14 certificates

Supervisor Hyland seconded the motion.

Supervisor Bulova said that at a recent town meeting, at Little River Glen Senior Center, citizens voiced complaints because some of the cab companies were not picking them up and/or honoring the Seniors-on-the-Go taxicab vouchers. Therefore, Supervisor Bulova asked unanimous consent that the Board direct staff to, when reviewing the criteria, require cab companies to make a commitment to honor the Seniors-on-the-Go Taxicab Voucher Program. Without objection, it was so ordered.

Discussion ensued, with input from Gail Eskew, Director, Department of Cable Communications and Consumer Protection (DCCCP) and Dave Reidenbach, Director, Consumer Protection Division, DCCCP, regarding the criteria used to consider giving additional taxicab certificates, the Seniors-on-the Go Taxicab Voucher Program, and the number of handicap accessible taxicabs.

Additional discussion ensued, with input from Ms. Eskew; Renee Faulkner, Assistant County Attorney; and Young Ho Chang, Director, Department of Transportation, regarding taxicab companies' denial of service to senior citizens.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to report with information regarding:

- The issue of the number of handicap accessible taxicabs.

- The Seniors-on-the-Go Program and any efforts to ensure the effectiveness of the program.
- Ordinance amendments to determine if penalties can be imposed if companies abuse the system.

Following discussion, with input from Anthony H. Griffin, County Executive, without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

The question was called on the motion and it carried by a vote of nine, Supervisor Hudgins being absent.

Supervisor Bulova moved that the Board direct staff to report with:

- Language that would increase the floor for handicap accessible taxi cabs.
- Recommendations for changes to the Code or County Ordinance for dealing with taxicab companies' refusal to pick up individuals.
- Language to add to the criteria that is considered when taxicab vouchers are given and the policy for companies who provide service for seniors, especially the Seniors-on-the-Go Program.

Chairman Connolly seconded the motion and it carried by a vote of nine, Supervisor Hudgins being absent.

20. **A-5 – 2005 SCHOOL BOND REFERENDUM** (11:22 a.m.)

(BONDS) Discussion ensued with input from Leonard P. Wales, County Debt Manager, Department of Management and Budget, and Dean Tistadt, Assistant Superintendent, Fairfax County Public Schools, regarding the school bond referendums and the status of the Woodson School project.

Supervisor Hyland moved that the Board concur in the recommendation of staff and adopt the Resolution requesting the Circuit Court to order a special election on November 8, 2005, regarding the issuance of Fairfax County Public School bonds totaling \$244,326,000. Supervisor Kauffman seconded the motion.

Following discussion regarding the Base Realignment and Closure Commission's (BRAC) proposal for Fort Belvoir, Supervisor Hyland amended his motion that the Board direct staff to add \$2 million to the total for the purpose of beginning the planning for a new middle school in the southeastern part of the County, and this was accepted.

Discussion ensued, with input from Mr. Wales, regarding the proposed amendment, and whether \$2 million of the \$244,326,000 could be earmarked for that purpose.

Additional discussion ensued, with input from Erin C. Ward, Assistant County Attorney, regarding seeking concurrence of this item from the School Board.

Additional discussion ensued, with input from Anthony H. Griffin, County Executive, regarding County staff discussions with school staff about the desire to build new schools.

Following discussion, with input from Mr. Tistadt and Ms. Ward, regarding the site acquisition funds and the BRAC proposal, Supervisor Frey asked unanimous consent that the Board direct staff to provide information regarding the impact of the BRAC proposal on the school system. Without objection, it was so ordered.

Following additional discussion, with input from Mr. Wales, Supervisor Hyland amended his motion to defer action on this item until the next Board meeting on June 20, 2005, to allow staff time to seek concurrence or guidance from the School Board regarding the issues raised. This was accepted.

The question was called on the motion, as amended (to defer action), and it carried by a vote of nine, Supervisor Hudgins being absent.

21. **A-6 – APPROVAL OF CERTAIN DOCUMENTS PREPEARED IN CONNECTION WITH LEASE FINANCING OF THE HERNDON SENIOR CENTER BY FAIRFAX COUNTY, VIRGINIA, THROUGH THE REDEVELOPMENT AND HOUSING AUTHORITY AND AUTHORIZATION TO ENTER INTO A FACILITY LEASE AGREEMENT (DRANESVILLE DISTRICT)** (11:46 a.m.)

- (R) On motion of Supervisor DuBois, seconded by Chairman Connolly, and carried by a vote of nine, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting “AYE,” Supervisor Hudgins being absent, the Board concurred in the recommendation of staff and adopted the Resolution authorizing executing a facility lease agreement.

22. **A-7 – FAIRFAX CITY REGIONAL LIBRARY FINAL AGREEMENT** (11:47 a.m.)

Supervisor Bulova moved that the Board concur in the recommendation of staff and approve a final agreement between the County and the City of Fairfax to define the understandings, commitments, and responsibilities of the parties for construction of a new library. Supervisor Smyth seconded the motion.

Following discussion, with input from Leonard P. Wales, County Debt Manager, Department of Management and Budget, regarding outstanding issues, the question was called on the motion and it carried by a vote of nine, Supervisor Hudgins being absent.

23. **C-1 – BOARD DECISION ONLY ON AN APPEAL BY BATAL CORBIN, LLC, OF A PROFFER INTERPRETATION FOR REZONING APPLICATION RZ 1999-PR-035 (PROVIDENCE DISTRICT)** (11:48 a.m.)

Supervisor Smyth moved to defer decision on an appeal by Batal Corbin, LLC of a proffer interpretation for Rezoning Application RZ 1999-PR-035 until June 20, 2005. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor Hudgins being absent.

24. **I-1 – RETIREMENT SYSTEMS COST-OF-LIVING INCREASES FOR 2005** (11:48 a.m.)

The Board next considered an item contained in the Board Agenda dated June 6, 2005, regarding the cost-of-living increases for the County retirement systems.

Following discussion, with input from Lurnz A. Swartz, Executive Director to the Retirement Boards, staff was directed administratively to proceed as proposed.

25. **I-2 – AIR QUALITY OUTREACH** (11:49 a.m.)

The Board next considered an item contained in the Board Agenda dated June 6, 2005, requesting authorization for the Office of Public Affairs and the Health Department to proceed with the Clean Air Partners sponsorship and other outreach activities to promote voluntary actions to help improve the region's air quality.

Following a brief discussion, the staff was directed administratively to proceed as proposed.

26. **I-3 – CONTRACT AWARD FOR GENERAL CIVIL ENGINEERING DESIGN SERVICES** (11:50 a.m.)

The Board next considered an item contained in the Board Agenda dated June 6, 2005, requesting authorization for staff to award a contract to Wilbur Smith Associates in the amount of \$1,650,000 over a three year period for general civil engineering design services.

The staff was directed administratively to proceed as proposed.

27. **I-4 – AMERICAN PUBLIC WORKS ASSOCIATION (APWA) PROJECT OF THE YEAR AWARD FOR CHAIN BRIDGE SEWER AND WATER MAIN REPLACEMENT** (11:50 a.m.)

The Board next considered an item contained in the Board Agenda dated June 6, 2005, announcing that the Department of Public Works and Environmental Services received an APWA Chapter Project of the Year Award from the Virginia/Maryland/DC Chapter of the American Public Works Association.

28. **ORDERS OF THE DAY** (11:50 a.m.)

Chairman Connolly announced that Board Matters would be heard later in the meeting and closed session would be held at the end of the meeting because of his schedule, and because David P. Bobzien, County Attorney, was attending a ceremony at the President's State Bar and would be returning later in the day.

(NOTE: Later in the meeting, Chairman Connolly reported on his acceptance of an award during the recess. See Clerk's Summary Item CL#31.)

BOARD MATTER

29. **INTENT TO DEFER/WITHDRAW (LEE AND SPRINGFIELD DISTRICTS)** (11:52 a.m.)

Supervisor Kauffman announced his intent to accept, later in the meeting, at the appropriate time, the withdrawal of Special Exception Applications SE 2003-LE-028, SE 2003-LE-029, and SE 2003-LE-031.

Supervisor McConnell announced her intent to indefinitely defer the public hearing on Rezoning Application RZ 2004-SP-027.

(NOTE: Later in the meeting, the Board formally accepted the withdrawal of Special Exception Applications SE 2003-LE-028, SE 2003-LE-029, and SE 2003-LE-031. See Clerk's Summary Item CL#59.)

30. **BOARD RECESS** (11:53 a.m.)

Chairman Connolly announced that the Board would be in recess until 2:30 p.m., at which time Board Matters would be heard.

ADDITIONAL BOARD MATTERS

NV:nv

At 2:37 p.m., the Board reconvened in the Board Auditorium with all Members being present, with the exception of Supervisor Hudgins, Supervisor Hyland, and Supervisor McConnell, and with Chairman Connolly presiding.

31. **HAND AWARD** (2:37 p.m.)

Chairman Connolly announced that during the recess he had traveled to Maryland to receive the regional HAND award presented to the County for its dedication of one penny of the real estate tax rate toward affordable housing. HAND is a regional housing network of nonprofit developers.

32. **YOUNG DRIVERS SUMMIT** (2:39 p.m.)

Chairman Connolly expressed his appreciation to Board Members for their participation in the Young Drivers Summit held on June 3 at the Government Center. He named many of the participants and expressed appreciation to the Lieutenant Cynthia McAlister and her team in the Police Department their outstanding efforts in coordinating the summit as well. He also thanked Anthony H. Griffin, County Executive; Catherine A. Chianese, Assistant to the County Executive; and other staff for their part in making the event a success. He briefly recapped the event and urged the Board to work with its colleagues on the School Board to revamp drivers' education.

Discussion ensued with input from Mr. Griffin regarding the summit.

33. **INVOLUNTARY TOWING OF VEHICLES** (2:44 p.m.)

Chairman Connolly said that Senate Joint Resolution 330 established a joint subcommittee to study the potential State regulation of the vehicle towing and recovery industry. The subcommittee is chaired by Senator Jay O'Brien who asked the County to make a presentation at a meeting or public hearing to be held in the Government Center on June 21, 2005, at 7 p.m. The focus of the study is towing without the consent of the owner or operator of a vehicle, known as "non-consensual" or involuntary towing.

Chairman Connolly said that the issue of involuntary towing has been of concern to the Board as well, and information is being assembled for presentation to the subcommittee on the problems experienced by County consumers whose vehicles have been towed without their consent. In addition, he recommended that the County convey the following positions to the subcommittee:

1. Preserve the broad authority currently in State law permitting local regulation of involuntary vehicle towing.

2. Do not diminish the current ability of local law enforcement officials to negotiate with towing companies the terms of contracts for police-requested towing services.
3. Support requiring towing companies to accept *reasonable* forms of payment for vehicle towing and storage charges for involuntary towing from private property.
4. At the federal level, support House Resolution HR 1173 introduced by Congressman Jim Moran. This legislation would restore to states and local governments the broad regulatory authority over involuntary towing which was partially preempted by a 1994 amendment to the Federal Aviation Administration Authority Act. He noted that Congressman Moran also is pursuing related language on towing in the federal transportation reauthorization legislation.

Therefore, Chairman Connolly moved that the Board:

- Authorize staff to prepare a presentation, as previously outlined, for the June 21 joint subcommittee meeting.
- Endorse HR 1173 introduced by Congressman Moran to restore to states and local governments broad regulatory authority over involuntary towing.
- Direct legislative staff to continue to monitor the progress of the State study as it unfolds.

Vice-Chairman Bulova seconded the motion and relinquished the Chair to Acting-Chairman Kauffman and asked to amend the motion to add the words “in addition to cash” following “reasonable forms of payment,” as outlined in number three and this was accepted.

Acting-Chairman Kauffman returned the gavel to Vice-Chairman Bulova.

The question was called on the motion, as amended, which carried by a vote of eight, Supervisor McConnell being out of the room, Supervisor Hudgins being absent.

34. **TESTIMONY BEFORE THE SENATE FINANCE TRANSPORTATION SUBCOMMITTEE** (2:47 p.m.)

Chairman Connolly said that on May 19, 2005, Senator John Chichester, chairman of the Senate Finance Committee, announced the creation of the Senate’s Statewide Transportation Analysis and Recommendation Task Force

(START). It is a working group consisting of 10 members of the Senate and 15 citizens from across the Commonwealth that will look at transportation needs for the twenty-first century. The chief function of START will be to develop a transportation action plan. From this effort, legislative and budget proposals will be introduced in the 2006 Session.

Chairman Connolly said that Senator Charles Hawkins, chairman of the Senate Finance Transportation Subcommittee, will coordinate the effort. On June 20, that subcommittee will meet at Northern Virginia Community College. The focus of the meeting will be local land use decisions and transportation.

Chairman Connolly announced his plans to attend the Senate Finance Transportation Subcommittee's meeting scheduled for June 20 in Northern Virginia and moved that the Board authorize him to testify on behalf of the Board regarding the County's experiences and techniques for managing the transportation challenges and land use planning and to identify ways that the State could be of assistance in that effort. Supervisor Hyland seconded the motion.

Following discussion, Supervisor Kauffman asked to amend the motion to include comments regarding the reliance on real property taxes and the issue of the proffer system and the necessity for additional flexibility to match public facilities to the pace of development, and this was accepted.

Chairman Connolly invited Board Members to share additional thoughts or comments on this subject by emailing him or Susan Mittereder, Legislative Liaison.

Supervisor Smyth asked to amend the motion to include the issue of adequate public facilities, and this was accepted.

The question was called on the motion, as amended, which carried by a vote of eight, Supervisor McConnell being out of the room, Supervisor Hudgins being absent.

35. **JOINT LETTER ON POTENTIAL PRORATION OF STATE BASIC AID TO SCHOOL DIVISIONS** (2:50 p.m.)

Chairman Connolly said that he learned that State basic aid to school divisions may be prorated and this will have a negative impact on the County, the loss of approximately \$750,000.

Chairman Connolly said that staff prepared for his signature a joint letter with the Chairman of the School Board to the State delegation expressing concern at this potential cut and encouraging the County's representatives to work with the Governor to redress this underfunding of basic aid. He distributed copies of the draft letter.

Therefore, Chairman Connolly moved that the Board endorse the joint County/School Board letter for immediate distribution to the State legislative delegation. Vice-Chairman Bulova seconded the motion, which carried by a vote of eight, Supervisor McConnell being out of the room, Supervisor Hudgins being absent.

36. **DOMESTIC VIOLENCE** (2:51 p.m.)

Chairman Connolly noted that the Board is concerned about domestic violence. On June 15, 2005, the County will participate in the national domestic violence lobby day in Washington, DC sponsored by the National Network to End Domestic Violence.

Chairman Connolly said that the federal Violence Against Women Act (VAWA), originally enacted by Congress in 1994, provided millions of dollars in funding to support myriad services and programs, such as the national 24-hour domestic violence hotline, emergency shelters, and many others. In 2000, Congress expanded and reauthorized VAWA for five additional years. Because VAWA will expire on September 30, 2005, he asserted that the County needs to fight for the reauthorization and expansion of VAWA as a top priority for Congress this year.

Chairman Connolly asked unanimous consent that the Board add VAWA to its federal legislative agenda.

Following discussion, Supervisor Gross asked to amend the request to also include a request for services for victims with English language deficiencies, and this was accepted.

Without objection, the request, as amended, was so ordered.

37. **REQUEST FOR DEFENSE BASE REALIGNMENT AND CLOSURE COMMISSION (BRAC) HEARING IN NORTHERN VIRGINIA** (2:53 p.m.)

(NOTE: Earlier in the meeting, the Board discussed some implications from BRAC. See Clerk's Summary Item CL#20.)

Chairman Connolly noted that BRAC is holding its meeting for the region in Baltimore on July 8, and that Maryland might have an advantage regarding military jobs because of the location of the meeting. Therefore, he moved that the Board direct staff to prepare a letter immediately, for his signature, on behalf of the Board, to join the Northern Virginia Regional Commission and other Northern Virginia jurisdictions in requesting BRAC to hold another regional hearing in Northern Virginia. Supervisor Kauffman seconded the motion, which carried by a vote of eight, Supervisor McConnell being out of the room, Supervisor Hudgins being absent.

38. **DANGEROUS DOG WEB PAGE** (2:55 p.m.)

Chairman Connolly said that on March 21, 2005, the Board approved the creation of a process whereby legally identified dangerous dogs can be identified by the community on the internet so residents can take appropriate measures for their safety. He reported that the Animal Services Division of the Police Department has added a section to its website that lists dangerous dogs by owner's name and address, the dog's name and breed, and the type of bite that resulted in the listing. He circulated a news release and the list of dangerous dogs. He expressed appreciation to the Police Department for acting with alacrity.

A brief discussion ensued regarding the list.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

39. **NO BOARD MATTERS FOR MOUNT VERNON DISTRICT SUPERVISOR GERALD W. HYLAND** (2:56 p.m.)

Supervisor Hyland announced that he had no Board Matters to present today.

40. **CAPPIES** (2:56 p.m.)

Supervisor DuBois announced that she and Chairman Connolly had the pleasure of attending the Cappies, the high school theater awards show held at the Kennedy Center. Chairman Connolly noted that the Board may wish to invite Judy Bowns and Bill Strauss, Cappies Co-Founders, to appear before the Board for recognition.

41. **TECHNOLOGY AND THE ARTS** (2:57 p.m.)

Supervisor DuBois announced that she and Chairman Connolly attended the first annual Council for the Arts of Herndon Technology and the Arts competition. She said that computer and digitally created artwork by local high school students were shown and awards were given. She circulated some artwork to the Board.

A brief discussion ensued.

42. **REAL ESTATE TAX ASSESSMENT REVIEW AND NOTIFICATION DEADLINE** (2:58 p.m.)

Supervisor Smyth noted that she is aware that this year's real estate assessment period has placed an enormous burden on staff members of the Real Estate Division (RED) of the Department of Tax Administration (DTA) and she said that she appreciated all their hard work. However, several Providence residents contacted her office during this 2005 real estate tax assessment period due to challenges they faced while conducting business with RED. Two of the critical

challenges they faced were that of receiving untimely and inappropriate responses which hindered their case preparation to the Board of Equalization (BOE).

Supervisor Smyth noted that according to a letter sent out by RED, property owners would have to submit their appeals to DTA by April 4, 2005, to complete its review by May 18, 2005. The residents facing untimely notification claimed that the above statement does not mean that DTA would respond by May 18, 2005. In fact, three residents received denial notifications only four to five days prior to the BOE Appeal deadline of June 1, 2005.

Supervisor Smyth added that the second critical challenge was that residents were not furnished with complete information on which RED based its decisions on appeals cases. This incomplete information also reflects the lack of coordinated research with other County agencies.

Therefore, Supervisor Smyth moved that the Board direct the County Executive to examine the review and notification process utilized by RED and recommend changes that will enable residents to attain timely and complete information on their appeals cases. Supervisor Bulova seconded the motion, which carried by a vote of seven, Supervisor Hyland and Supervisor McConnell being out of the room, Supervisor Hudgins being absent.

43. **AN OLD GLORY*OUS CELEBRATION FOR FLAG DAY** (3 p.m.)

Supervisor Smyth said that the Tysons Corner Center is hosting an Old Glory*Ous Celebration for Flag Day on June 14, 2005, at the Tysons Corner Center. This will be the first-of its-kind national partnership of multiple shopping center developers and the AMVETS and VFW organizations and will feature simultaneous raising of the flag and recognition ceremonies at 1 p.m. (est.) at more than 400 shopping centers nationwide. She described all the various local celebratory events relating to Flag Day.

Therefore, Supervisor Smyth, jointly with Chairman Connolly, Supervisor DuBois, Supervisor Hudgins, and Supervisor Kauffman, asked unanimous consent that the Board show unanimous support for this event by proclaiming June 14, 2005, as "Tysons Corner Center Old Glory*Ous Flag Day Celebration Day" and direct staff to prepare a proclamation to be read at the event. Without objection, it was so ordered.

44. **NOTTAWAY NIGHTS (PROVIDENCE DISTRICT)** (3:02 p.m.)

Supervisor Smyth announced that Nottaway Nights held its first concert of the season on Thursday, June 2.

45. **PROVIDENCE DISTRICT LAND USE SEMINAR** (3:02 p.m.)

NOTE: Earlier in the meeting, Supervisor Smyth mentioned this seminar. See Clerk's Summary Item CL#18.)

Supervisor Smyth announced that she was holding her third land use seminar on Tuesday evening, June 7. The subject is transportation planning.

46. **GROUNDBREAKING CEREMONY FOR PROVIDENCE DISTRICT RAIN GARDEN** (3:02 p.m.)

Supervisor Smyth announced that her office will hold its groundbreaking ceremony for its rain garden on June 21 at 10 a.m. She invited everyone to attend.

47. **ADDITIONAL ACTION REGARDING APPOINTMENTS TO THE TYSONS CORNER TRANSPORTATION AND URBAN DESIGN STUDY COORDINATING COMMITTEE** (3:03 p.m.)

(BACs) (NOTE: Earlier in the meeting, the Board deferred some appointments to the Tysons Corner Transportation and Urban Design Study Coordinating Committee. See Clerk's Summary Item CL#14.)

Chairman Connolly noted that the Board deferred some appointments to the Tysons Corner Transportation and Urban Design Study Coordinating Committee because the Board was still awaiting word from various sources. He asked Supervisor Smyth to contact the appropriate parties to make a determination.

Supervisor DuBois raised the issue of the addition of representatives from the Reston and Herndon Chambers of Commerce, but Chairman Connolly said that the Board would defer that action until June 20.

DMB:dmb

48. **REDEDICATION CEREMONIES AND CELEBRATION OF THE NEWTON W. EDWARDS AMPHITHEATER IN MASON DISTRICT PARK** (3:04 p.m.)

Supervisor Gross announced the opening program, on Sunday, June 5, 2005, to rededicate and celebrate the *Newton W. Edwards Amphitheater* in Mason District Park. The amphitheater was rebuilt following its destruction by fire on October 17, 2004. Supervisor Gross thanked the Board and County staff for their strong support to her request to expedite all of the necessary permits that enabled the rebuilding of the amphitheater in seven and a half months. She said it was an incredible team effort, and she invited everyone to visit this wonderful new facility.

49. **REQUEST FOR RECOGNITION OF ANNANDALE HIGH SCHOOL'S
STATE-OF-THE ART KITCHEN AND RESTAURANT, *THE BISTRO***

AND

**REQUEST FOR RECOGNITION OF CHEF CHRISTINE GLONINGER,
RECIPIENT OF ANNANDALE HIGH SCHOOL'S FAMILY AND
CONSUMER SCIENCES TEACHER OF THE YEAR AWARD
(BRADDOCK DISTRICT)** (3:07 p.m.)

Supervisor Bulova said that a unique partnership between the restaurant and hospitality industry, the school system, the County, and the community has enabled the construction of Annandale High School's exciting new state-of-the-art kitchen and restaurant known as *The Bistro*. She said that this project, which began about four years ago, had literally grown from the ground up thanks to a unique collaboration which included the following:

- The Restaurant Association of Metropolitan Washington
- Cini-Little
- Gill Group, Incorporated
- Carson Malliton Associates
- Stratford College
- Guest Services, Incorporated
- A. J. Dwoskin Associates
- Landsdowne Resort
- Optimum Hospitality Services
- Clyde's Restaurant Group
- Virginia Delegate James Dillard
- School Board Member Tessie Wilson
- Staff from the Fairfax County Public School Administration
- Staff and the Parent, Teacher, and Student Association of Annandale High School

Supervisor Bulova said that the students of the Culinary Arts Program, under the direction of Chef Christine Gloninger, represent the diversity of Annandale High School, both educationally and culturally. They now have the benefit of the best equipment available to pursue careers in the hospitality industry, either directly after high school or after continuing on to college. Chef Gloninger's students have catered 20 events since the end of March 2005. The new training facility was featured in the May 2005 issue of *Restaurant Digest* and will be published again this summer in a national sanitation magazine. An overview of this state-of-the-art kitchen and restaurant is being aired daily through June 15 on Channel 21, the Red Apple Program.

Recently Chef Gloninger, Chairman of the Department of Family and Consumer Science Program, was awarded the Fairfax County Family and Consumer Sciences Education Association Teacher of the Year Award for 2004-2005. Although the challenges Chef Gloninger faced during the renovation process were tremendous, she continued to teach her students and prepare them for their future professional endeavors.

Therefore, Supervisor Bulova asked unanimous consent that the Board direct staff to invite the following individuals to appear before the Board to be thanked and recognized for their impressive achievements:

- Chef Christine Gloninger
- Restaurant Association Representative Frans Hagen
- Acting Principal George Keim
- Braddock District School Board member Tessie Wilson

Without objection, it was so ordered.

PMH:pmh

50. **PUBLIC HEARINGS WITHDRAWN (LEE DISTRICT)** (3:10 p.m.)

Supervisor Kauffman announced that the following Special Exception applications had been withdrawn:

- SE 2003-LE-028
- SE 2003-LE-029
- SE 2003-LE-031

(NOTE: Later in the meeting, the Board formally accepted these withdrawals. See Clerk's Summary Item CL#59.)

51. **GANG ACTIVITY (LEE DISTRICT)** (3:11 p.m.)

Supervisor Kauffman said that in March of this year, his office received a written complaint about overcrowding, suspicious car activity, and other unusual activity at 6807 Lynbrook Drive. He referred the complaint to the Franconia Police Station and the Department of Planning and Zoning (DPZ), and they found nothing suspicious nor any violations.

Supervisor Kauffman referred to the disturbing story in last Friday's *Washington Post* about MS-13 gang activity by one or more residents at 6807 Lynbrook Drive. A police swat team was called out the day before to arrest a member of the household for malicious wounding – a machete attack on Augusta Drive on Sunday, May 29. He raised the following concerns:

- Signs of trouble that were missed by the police and the DPZ.
- That this adds a new dimension to the overcrowding and multi-family issue.
- The possibility that these properties could be hiding gang members and gang activities under the County's nose.
- The possible risk to the inspectors and police who are sent to inspect the properties.

Supervisor Kauffman noted that there needs to be more direct communication between the police and inspections staff. Inspectors should be trained to recognize red flags that point to potential gang concerns. He added that County resources committed to Strengthening Neighborhoods, Building Communities must be reviewed to ensure that those resources are focused on the issues affecting neighborhoods.

Supervisor Kauffman asked unanimous consent that the Board direct staff to prepare language for the 2006 Legislative Program that would make brandishing a machete a violation in the same way that brandishing a firearm is now a violation. Without objection, it was so ordered.

Supervisor Kauffman asked unanimous consent that the Board direct the County Executive to write a letter to the State Crime Commission requesting that it:

- Examine these issues including the use of machetes as an instrument of terror.
- Recommend legislation on specific penalties to deter their use.
- Work with the County law enforcement to determine the necessary tools.

Without objection, it was so ordered.

A brief discussion continued with input from Anthony H. Griffin, County Executive, regarding machetes.

52. **FAIRFAX COUNTY ECONOMIC DEVELOPMENT AUTHORITY (EDA)**
NAMED ONE OF TEN TOP ECONOMIC ORGANIZATIONS (3:20 p.m.)

Supervisor Frey announced that *Site Selection Magazine* named the EDA as one of the top ten economic development organizations across North America for 2004.

Following discussion, with input from Anthony H. Griffin, County Executive, and Merni Fitzgerald, Director, Office of Public Affairs, Supervisor Frey asked unanimous consent that the Board recognize the EDA for this achievement during their joint meeting scheduled for June 20, 2005. Without objection, it was so ordered.

53. **POWER OUTAGE** (3:21 p.m.)

Chairman Connolly announced that although the building was experiencing a power outage, the Board meeting was still being cablecast and the public was able to hear the Board meeting.

54. **GREATER RESTON ARTS CENTER, INCORPORATED (GRACE)**
(HUNTER MILL DISTRICT) (3:22 p.m.)

On behalf of Supervisor Hudgins, Chairman Connolly said that GRACE, a non-profit, tax exempt, arts organization, has presented a proposed agreement to the County in which GRACE would exhibit County art and artifacts in an 800 square-foot space in the new Reston Arts and Cultural Center for 30 days each calendar year for the next 20 years. In exchange for the services provided by GRACE in presenting this annual exhibit for the next 20 years, the County would make a one-time contribution to GRACE of \$50,000. In the alternative, in accordance with the proffers adopted in Rezoning Application RZ 85-C-088, Grace has offered to lease an 800 square-foot room to the County in the Art and Cultural Center for a permanent exhibition of County art and artifacts at a fair market rate, which would cost the County \$36,000 per year, or \$720,000 if it was for a 20 year period. At a one-time cost of \$50,000, the proposed agreement presents a significant cost savings for the County.

Therefore, on behalf of Supervisor Hudgins, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved that the Board reject the offer from Grace for an 800 square-foot space for \$36,000 per year and direct the County Executive to sign the proposed agreement providing for an annual exhibit for 30 days a year of County art and artifacts for the next 20 years in exchange for a

one-time \$50,000 contribution from the County. Supervisor DuBois seconded the motion and it carried by a vote of eight, Supervisor McConnell being out of the room, Supervisor Hudgins being absent.

55. **NO BOARD MATTERS FOR SPRINGFIELD DISTRICT SUPERVISOR ELAINE McCONNELL** (3:24 p.m.)

On behalf of Supervisor McConnell, Chairman Connolly announced that she had no Board Matters to present today.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

AGENDA ITEMS

DET:det

56. **3 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 94-L-001 (SAUL HOLDINGS LIMITED PARTNERSHIPS BY: SAUL CENTERS, INCORPORATED, GENERAL PARTNER) (LEE DISTRICT)** (3:24 p.m.)

(NOTE: On May 23, 2005, the Board deferred the public hearing on this item until June 6, 2005.)

The application property is located at 6700 Richmond Highway in the southeast quadrant of Beacon Mall, Tax Map 93-1 ((1)) 1A pt.

Mr. Jeffrey A. Nein reaffirmed the validity of the affidavit for the record.

Mr. Nein had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, Regina Murray, Branch Chief, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Kauffman moved:

- Approval of Special Exception Amendment Application SEA 94-L-001, subject to the development conditions dated June 1, 2005.
- Modification of the Richmond Highway streetscape along Richmond Highway and Memorial Street to that shown on the Special Exception Application plat.

- Waiver of the Comprehensive Plan requirement for frontage improvements and dedication of right-of-way along Richmond Highway.

Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor McConnell being out of the room, Supervisor Hudgins being absent.

57. **3 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 88-P-052 (RAILROAD TREE CORPORATION) (PROVIDENCE DISTRICT)** (3:27 p.m.)

(NOTE: On May 23, 2005, the Board deferred the public hearing on this item until June 6, 2005.)

The application property is located in the southeast quadrant of the intersection of Gallows Road and Railroad Street, Tax Map 39-4 ((1)) 61, 61A pt., 61B, and 61C.

Ms. Inda E. Stagg reaffirmed the validity of the affidavit for the record.

Chairman Connolly disclosed the following campaign contribution which he had received:

- In excess of \$200 from Burgess and Niple, Incorporated

Supervisor Frey disclosed the following campaign contribution which he had received:

- In excess of \$200 from Burgess and Niple, Incorporated

Ms. Stagg had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and she proceeded to present her case.

Following the public hearing, Regina Murray, Branch Chief, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Smyth noted that in the proffers, the developer had agreed to contribute \$1500 for the provision of County park improvements in the vicinity of the application property, prior to bond release. At the request of Supervisor Smyth, Ms. Stagg agreed to release that amount earlier.

Supervisor Smyth moved:

- Approval of Proffered Condition Amendment Application PCA 88-P-052, subject to the executed proffers dated May 5, 2005.

- Modification of the transitional screening requirement along the northern property line to that shown on the Generalized Development Plan.

Supervisor DuBois seconded the motion and it carried by a vote of eight, Supervisor McConnell being out of the room, Supervisor Hudgins being absent.

58. **3 P.M. – BOARD DECISION ON SPECIAL EXCEPTION APPLICATION SE 2004-HM-036 (WALKER MANAGEMENT, INCORPORATED) (HUNTER MILL DISTRICT)** (3:32 p.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved, on behalf of Supervisor Hudgins, to defer decision on Special Exception Application SE 2004-HM-036 until **June 20, 2005, at 3 p.m.** Vice-Chairman Bulova seconded the motion and it carried by a vote of eight, Supervisor McConnell being out of the room, Supervisor Hudgins being absent.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

59. **3 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2003-LE-028 (SILVIO DIANA)**

AND

PH ON SPECIAL EXCEPTION APPLICATION SE 2003-LE-029 (SILVIO DIANA)

AND

PH ON SPECIAL EXCEPTION APPLICATION SE 2003-LE-031 (SILVIO DIANA) (LEE DISTRICT) (3:33 p.m.)

(NOTE: On May 23, 2005, the Board deferred the public hearing on this item until June 6, 2005.)

Following discussion, with input from Barbara Byron, Director, Zoning Evaluation Division, Department of Planning and Zoning, Supervisor Kauffman moved to accept the withdrawal of Special Exception Applications SE 2003-LE-028, SE 2003-LE-029, and SE 2003-LE-031. Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor McConnell being out of the room, Supervisor Hudgins being absent.

60. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2004-MV-030
(LUKEN COMPANY, LC) (MOUNT VERNON DISTRICT)** (3:33 p.m.)

The application property is located on the west side of Lukens Lane and approximately 50 feet north of the intersection of Lukens Lane and Old Mill Road, Tax Map 110-1 ((1)) 40, 41, and 42.

Mr. Robert C. Fields, Jr. and Mr. James D. Turner reaffirmed the validity of the affidavit for the record.

Supervisor Hyland disclosed:

- A campaign contribution in excess of \$200 from James D. Turner

Mr. Paul A. Wilder had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, which included testimony by four speakers, Peter Braham, Senior Staff Coordinator, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff and Planning Commission recommendations.

Discussion ensued with input from Regina Murray, Branch Chief, ZED, DPZ; Mr. Braham; and Barbara Byron, Director, ZED, DPZ, concerning a zoning ordinance change, changes in State law affecting cluster development, and cluster “by right.”

Following input from David P. Bobzien, County Attorney, Supervisor Hyland moved to defer decision on Rezoning Application RZ 2004-MV-030 until **June 20, 2005, at 3 p.m.** Supervisor Kauffman seconded the motion and it carried by a vote of seven, Supervisor Frey and Supervisor McConnell being out of the room, Supervisor Hudgins being absent.

Supervisor Hyland submitted items for the record.

ADDITIONAL BOARD MATTER

61. **RECOGNITION OF JAMES ANDEREGG, OF BOY SCOUT TROOP 1107,
AND HIS FATHER (LEE DISTRICT)** (4:13 p.m.)

Supervisor Kauffman recognized the presence of James Anderegg, a Boy Scout from Troop 1107, that meets at Saint John’s Lutheran Church in Alexandria, and his father, Tony, and warmly welcomed them to the Board meeting.

AGENDA ITEMS

62. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2004-SP-027 (RANDOLPH J. BENDER) (SPRINGFIELD DISTRICT)** (No Time)

(NOTE: Earlier in the meeting, Supervisor McConnell announced her intent to defer the public hearing on Rezoning Application RZ 2004-SP-027 indefinitely. See Clerk's Summary Item CL#29.)

63. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2003-LE-055 (HAYFIELD ANIMAL CLINIC, LTD, D/B/A HAYFIELD ANIMAL HOSPITAL) (LEE DISTRICT)** (4:14 p.m.)

- (O) The application property is located on the east side of Old Telegraph Road, approximately 800 feet north of its intersection with Telegraph Road, Tax Map 100-1 ((9)) 3, 4, and 100-2 ((1)) 1.

Mr. Robert A. Lawrence reaffirmed the validity of the affidavit for the record.

Supervisor Hyland disclosed the following campaign contribution which he had received:

- In excess of \$200 from Jerry A. Hinn, Hayfield Animal Clinic, LTD

Mr. Lawrence had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, Cathy Belgin, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Kauffman moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2003-LE-055, from the R-1 and C-5 Districts to the R-3 and C-5 Districts, subject to the proffers dated May 18, 2005.
- Waiver of the minimum lot width requirement along Telegraph Road in accordance with Section 9-610 of the Zoning Ordinance.
- Modification of the transitional screening requirement along the western boundary of the C-5 portion of the property and the Telegraph Road frontage in favor of that shown on the Generalized Development Plan.

Supervisor DuBois seconded the motion and it carried by a vote of six, Supervisor Bulova, Supervisor DuBois, Supervisor Gross, Supervisor Kauffman, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Frey, Supervisor Hyland, and Supervisor McConnell being out of the room, Supervisor Hudgins being absent.

64. **3:30 P.M. – PH ON A SPOT BLIGHT ABATEMENT ORDINANCE FOR 8301 COOPER STREET (MOUNT VERNON DISTRICT)** (4:19 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of May 19 and May 26, 2005.

Christina M. Sadar, Blight Abatement Program Coordinator, Department of Housing and Community Development, presented the staff report.

Following the testimony of one speaker, there was a complete power outage. After consultation with David P. Bobzien, County Attorney, Supervisor Hyland moved to resume the public hearing on **June 20, 2005, at 3 p.m.** Supervisor Frey seconded the motion and it carried by a vote of eight, Supervisor McConnell being out of the room, Supervisor Hudgins being absent.

65. **4 P.M. – PH REGARDING THE LEASING OF A PORTION OF COUNTY-OWNED PROPERTY AT THE INTERSECTION OF THE FAIRFAX COUNTY PARKWAY AND BARON CAMERON AVENUE, RESTON, VIRGINIA, TO OMNIPOINT COMMUNICATIONS CAP OPERATIONS, LLC (DOING BUSINESS AS "T-MOBILE") (HUNTER MILL DISTRICT)**

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved to defer the public hearing regarding the leasing of a portion of County-owned property at the intersection of the Fairfax County Parkway and Baron Cameron Avenue, Reston, Virginia, to Ompoint Communications CAP Operations LLC until **June 20, 2005, at 4 p.m.** Vice-Chairman Bulova seconded the motion and it carried by a vote of eight, Supervisor McConnell being out of the room, Supervisor Hudgins being absent.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

66. **4 P.M. – PH ON PROPOSED POLICY PLAN AMENDMENT S01-CW-15CP REGARDING UPDATES TO THE PARKS AND RECREATION SECTION OF THE POLICY PLAN**

Supervisor Gross moved to defer the public hearing on proposed policy plan amendment S01-CW-15CP until **June 20, 2005, at 4 p.m.** Supervisor Smyth seconded the motion and it carried by a vote of seven, Supervisor Hyland and Supervisor McConnell being out of the room, Supervisor Hudgins being absent.

67. **ORDERS OF THE DAY** (4:34 p.m.)

Upon restoration of power, Chairman Connolly announced that the Board had deferred action on the previous three public hearings and that the Board would recess and immediately go into closed session. Upon completion of closed session, Board Members would proceed to the Lord and Lady Fairfax reception and then return to complete business.

68. **RECESS/CLOSED SESSION** (4:35 p.m.)

Supervisor Gross moved that the Board recess and go into closed session for discussion and consideration of matters enumerated in *Virginia Code* Section 2.2-3711 and listed in the agenda for this meeting as follows:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).
 - 1. *Lincoln National Life Insurance Co. and Dixon Properties, L.L.C. v. Board of Supervisors of Fairfax County, Virginia*, At Law No. CL-2004-0227493 (Fx. Co. Cir. Ct.) (Hunter Mill District)
 - 2. *William E. Shoup, Fairfax County Zoning Administrator v. Hrair H. Kazanjian*, In Chancery No. CH-2004-0192518 (Fx. Co. Cir. Ct.) (Mount Vernon District)
 - 3. *William E. Shoup, Fairfax County Zoning Administrator v. Robert T. Hancasky and Marianne L. Hancasky*, In Chancery No. CH-2004-0193498 (Fx. Co. Cir. Ct.) (Lee District)

4. *William E. Shoup, Fairfax County Zoning Administrator v. Duane Whitney, et al.*, In Chancery No. CH-1997-0152580 (Fx. Co. Cir. Ct.) (Providence District)
5. *Jimmie D. Jenkins, Director, Fairfax County Department of Public Works and Environmental Services, and William E. Shoup, Fairfax County Zoning Administrator v. Courtney L. Scott, Judith L. Scott, Courtney L. Scott, Jr., and Pernilla Scott*, In Chancery No. CH-2003-0186971 (Fx. Co. Cir. Ct.) (Dranesville District)
6. *William E. Shoup, Fairfax County Zoning Administrator v. Ceon Land Development, L.L.C.*, In Chancery No. CH-2003-0182705 (Fx. Co. Cir. Ct.) (Lee District)
7. *William E. Shoup, Fairfax County Zoning Administrator v. Eugene G. Hopson*, In Chancery No. CH-2004-0189092 (Fx. Co. Cir. Ct.) (Braddock District)
8. *Oakcrest Properties, LLC v. Board of Supervisors of Fairfax County, et al.*, At Law No. CL-2004-0227810 (Fx. Co. Cir. Ct.) (Dranesville District)
9. *William E. Shoup, Fairfax County Zoning Administrator v. Michael Lee Field, Jr., and Joyce Koons Field*, In Chancery No. CH-2005-0002377 (Fx. Co. Cir. Ct.) (Dranesville District)
10. *William E. Shoup, Fairfax County Zoning Administrator v. Marec Corporation*, In Chancery No. CH-2005-0002342 (Fx. Co. Cir. Ct.) (Dranesville District)
11. *William E. Shoup, Fairfax County Zoning Administrator v. Jaime A. Sanchez, Felicya M. Aulia, and Noor M. Aulia*, In Chancery No. CH-2004-0192476 (Fx. Co. Cir. Ct.) (Mason District)

12. *Board of Supervisors v. Hunter Development Company of Fairfax, Inc.*, At Law No. CL-2004-0225289 (Fx. Co. Cir. Ct.) (Springfield District)

And in addition:

- *Washington Mutual Bank, FA, et al. versus Costello P. Wilson, III, et al.*, In Chancery Number 2005-0001858.
- Claims relating to flooding at 1447 Woodacre Drive.
- Proposed Zoning Ordinance amendments relating to interstate highways and the Dulles International Airport Access Highway.
- *Virginia Code* Section 15.2-2308(A).

Supervisor Bulova seconded the motion and it carried by a vote of seven, Supervisor Hyland and Supervisor McConnell being out of the room, Supervisor Hudgins being absent.

NV:nv

At 7:27 p.m., the Board reconvened in the Board Auditorium with all Members being present, with the exception of Supervisor Frey, Supervisor Hudgins, Supervisor Kauffman, and Supervisor McConnell, and with Chairman Connolly presiding.

ADDITIONAL BOARD MATTER

69. **RETURN OF ELECTRICAL POWER** (7:27 p.m.)

Chairman Connolly noted that the Board Auditorium had full power and that cablecasting had resumed following a power outage. He explained that in light of the power outage, the Board had deferred the last three items on the agenda to allow the opportunity for the public to participate and observe. Those items were deferred until June 20.

70. **ORDERS OF THE DAY** (7:28 p.m.)

Chairman Connolly announced that as soon as all members who participated in closed session were present, the Board would certify its closed session, take one action from closed session, then adjourn.

ACTIONS FROM CLOSED SESSION**71. CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION (7:29 p.m.)**

Supervisor Bulova moved that the Board certify that, to the best of its knowledge, only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion by which closed session was convened were heard, discussed, or considered by the Board during the closed session. Supervisor Hyland seconded the motion and it carried by vote of eight, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hyland, Supervisor Kauffman, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor McConnell being out of the room, Supervisor Hudgins being absent.

72. NEGOTIATIONS TO PURCHASE 1447 WOODACRE DRIVE (DRANESVILLE DISTRICT) (7:29 p.m.)

Supervisor DuBois moved that the Board authorize staff to begin negotiations to purchase 1447 Woodacre Drive as outlined by the County Attorney in closed session. Supervisor Hyland seconded the motion, which carried by a vote of eight, Supervisor McConnell being out of the room, Supervisor Hudgins being absent.

73. ADJOURNMENT (7:29 p.m.)

The Board adjourned.

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